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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,673	08/01/2003	David Fusari	S1389.70013US00	2695

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EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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10/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,673

Applicant(s)

FUSARI, DAVID

Examiner

DAVID Y. ENG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) 13-17, 30-34, 46-50 and 62-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 18-29, 35-45 and 51-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/20/03; 10/24/05; 2/3/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Status of claims

In response to the restriction requirement mailed on 8/2/2007, Applicants elected without traverse Group I claims 1-12, 18-29, 35-45 and 51-61 for examination. Claims 13-17, 30-34, 46-50 and 62-70 are therefore withdrawn from consideration. Applicants are requested to cancel the non-elected claims.

Claims 1-70 are pending and subject to restriction.

Claims 1-12, 18-29, 35-45 and 51-61 are elected.

Claims 13-17, 30-34, 46-50 and 62-70 are withdrawn from consideration.

Abstract

Applicants are requested to amend the abstract in accordance with the elected invention,

Drawing

The informal drawings are not of sufficient quality. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12, 18-29, 35-45 and 51-61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to all independent claims, it is not clear where the shared context is stored or located. It is not clear where the two applications are located.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 6, 11, 22, 23, 28, 39, 40, 44, 61, 55, 56, 3, 10, 20, 27, 37, 43, 53, 60, 4, 21, 38, 54, 7, 8, 12, 24, 25, 29, 41, 42, 45, 57, 58, 9, 26, 29, 59, are rejected under 35 U.S.C. 102(e) as being anticipated by Odom (USP 7,016,942).

Odom teaches:

Claims 1, 5, 6, 11, 22, 23, 28, 39, 40, 44, 61, 55, 56,

In a system (Figure 2) comprising a client (one or more clients 4, see column 2 lines 27-28), a context management (CM) server (Server 11) and a network (18) that couples the client to the server, the client executing at least one client application (inherent, application programs resided in the client, see for example column 5, line 16)

that shares a context with another application (see file sharing in column 6 line 9-10) for a period of time, the CM server executing a context management service to manage the context (server 11 controls data transfer between clients and therefore manages files or context, see column 2, lines 30-31), a method of facilitating communication between the client and the CM server, the method comprising acts of:

(a) establishing a connection, through the network, between the client and the CM server to enable communication between the CM server and the client (inherent, since server 11 in Figure 2 acts as a conduit [column 2 line 30] connection has to be established because otherwise it does not work); and

(b) maintaining the connection between the client and the CM server for the period of time during which the at least two applications share the context (inherent because if the server acts as conduit for data transfer, it must maintain connected because on more transmit if connection is not maintained).

Claims 3, 10, 20, 27, 37, 43, 53, 60,

Preventing establishment of connection for security reason in network communication system is well known in the art. See column 6 lines 35-39 in Odom. In Odom communication between participants would not be established if the participants are not in a list kept in a server.

Claims 4, 21, 38, 54,

In Odom, since the server is connect to the client, the server is connected or in communication with all the components in the clients.

Claims 7, 8, 12, 24, 25, 29, 41, 42, 45, 57, 58,

See Figure 7 in Odom. The clients are grouped in clusters. Communication is first transmitted to one of the clusters and from the cluster to the individual clients.

Claims 9, 26, 29, 59,

The "wherein clause" consists of non-functional descriptive material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 19, 36 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odom (USP 7,016,942) in view of Bove (USP 7,249,367).

Claims 2, 19, 36, 52,

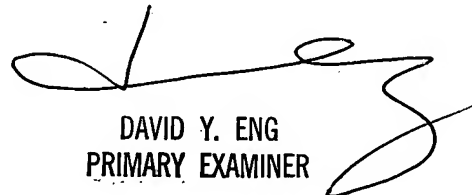
Odom teaches claim combination set forth above. Odom does not teach back-channeling. Bove teaches a network having a back-channel. It would have been obvious to a person of ordinary skill in the art to incorporate a back-channel in Odom as taught by Bove such that the other communications can be provided by the back-channel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID Y. ENG
PRIMARY EXAMINER